

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,
Plaintiff,
vs.
\$37,810.00 IN UNITED STATES
CURRENCY,
Defendant.

Civil No. 8:15CV00101

COMPLAINT FOR FORFEITURE IN REM

COMES NOW the Plaintiff, United States of America, and for its cause of action against the Defendant, states and alleges as follows:

Nature of the Action

1. This is an action to forfeit property to the United States for violations of 21 U.S.C. § 881.

The Defendant In Rem

2. The Defendant property consists of \$37,810.00 in United States currency seized from Nicholas Argyle on July 31, 2014, during a traffic stop on 25B Link and Interstate 80 in Big Springs, Deuel County, Nebraska. It is presently in the custody of the U.S. Customs and Border Protection in Minneapolis, Minnesota.

Jurisdiction and Venue

3. This Court has subject matter jurisdiction over an action commenced by the United States under 28 U.S.C. § 1345, and over an action for forfeiture under 28 U.S.C. § 1335(a). This Court also has jurisdiction over this particular action under 21 U.S.C. § 881.

4. This Court has in rem jurisdiction over the Defendant property pursuant to 28 U.S.C. § 1335(b)(1)(A) because acts or omissions giving rise to the forfeiture occurred in this district.

5. Venue is proper in this district pursuant to 28 U.S.C. § 1335(b)(1)(A) because acts or omissions giving rise to the forfeiture occurred in this district.

Basis for the Forfeiture

6. The Defendant property is subject to forfeiture pursuant to 21 U.S.C. § 881(a)(6) because it constitutes 1) money, negotiable instruments, securities and other things of value furnished or intended to be furnished in exchange for a controlled substance in violation of the Controlled Substances Act; 2) proceeds traceable to such an exchange; or 3) money, negotiable instruments, and securities used and intended to be used to facilitate a violation of the Controlled Substances Act.

Facts

7. On July 31, 2014, at approximately 8:15 p.m., Deuel County Sheriff's Office Deputy Erich Fritz was on patrol, driving through the Flying J in Big Springs, Nebraska. He saw a Nebraska-plated vehicle in the fueling island. The person pumping the gas, later identified as Peter Bristol (hereafter "Bristol"), looked away and put his head down as Deputy Fritz drove by and waved. The other person near the vehicle, later identified as Nicholas Argyle (hereafter "Argyle"), appeared to have a look of worry on his face as Deputy Fritz made eye contact with him. Because Bristol's and Argyle's behavior was suspicious to Deputy Fritz, he ran the vehicle's license plate; the vehicle came back registered to Nicholas Argyle. Deputy Fritz then ran Argyle's license; it came back suspended. Deputy Fritz matched Argyle's driver's license

photograph to the person driving the vehicle, Argyle. Deputy Fritz conducted a traffic stop on the vehicle as Argyle left the Flying J parking lot.

8. Upon contact with Argyle, Deputy Fritz noticed Argyle appeared nervous as his hands were shaking. The passenger, Bristol, also appeared nervous as he would only look out the passenger side window; his hands were shaking, also. Deputy Fritz advised Argyle his license was suspended and asked him for his driver's license. Deputy Fritz and Argyle then got in the cruiser to fill out some paperwork.

9. Deputy Fritz wrote Argyle a citation for driving on a suspended license. After giving it to him, Deputy Fritz asked if there was anything illegal in the vehicle; Argyle said there was not. Deputy Fritz asks Argyle, "Mind if I look?" Argyle said, "No."

10. Deputy Fritz made contact with Bristol, still seated in Argyle's vehicle. Bristol denied there was anything illegal in the vehicle. Deputy Fritz asked him to step out of the vehicle while Deputy Fritz performed the search. Bristol did so. Deputy Fritz found marijuana remnants on the center console area in the front seat of the vehicle. He then asked Bristol where the rest of "the weed" was in the vehicle. Bristol said there was a small amount in an orange bag under the seat. Deputy Fritz escorted Bristol to his patrol cruiser and had him sit in the rear seat of his vehicle.

11. Deputy Fritz asked Argyle to step out of the cruiser so Deputy Fritz could speak with him again. Deputy Fritz asked Argyle if there were any large amount of money in the car. Argyle said advised there was approximately \$30,000.00, cash, in a "Pelican case" in the trunk of the vehicle.

12. Deputy Fritz resumed searching the vehicle. He found marijuana in an orange bag underneath the front passenger seat. He found more marijuana remnants under the driver's seat and on the center console. He found a book titled, "The Encyclopedia of International Organized Crime," in the back seat. Deputies found a hockey bag in the trunk; it contained the "Pelican case" Argyle had described. The Defendant currency was inside the case. It consisted of seventeen bundles, rubber banded together. There were also more marijuana remnants, scissors and rubber bands in the hockey bag. The bag also held a five-pack of Hy-Vee thirty gallon paper yard waste bags and a necklace inside a microfiber cloth. Argyle told the deputies the necklace was worth approximately \$5,000.00.

13. Argyle and Bristol were taken to the Deuel County Sheriff's Office where both were interviewed. Argyle said Bristol and he were going to Denver to attend a glass art show where he planned to purchase jewelry with the Defendant currency. Bristol said he had known Argyle for approximately two years. He said Argyle did not have a place of employment and Argyle makes numerous trips to Denver. They planned to stay at the house of a mutual friend while in Denver. Bristol admitted the marijuana in the orange bag was his. Bristol was cited for Possession of Marijuana less than an ounce.

14. The Defendant currency was transported to the Cheyenne County Sheriff's Office on August 1, 2014. Cheyenne County Sheriff's Office Sergeant Adam Frerichs and his narcotics detector canine conducted a discretionary sniff on the Defendant currency. The dog alerted and indicated to the odor of controlled substance coming from the location of the money.

15. On September 29, 2014, Nebraska State Patrol served a search warrant at 6705 Spaulding, Omaha, Bristol's residence. They found fourteen grams of marijuana along with drug

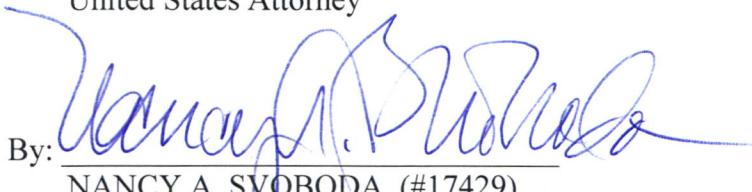
paraphernalia. Bristol agreed to be interviewed. He said he had known Argyle for about six months. After they met, Argyle gave Bristol eight pounds of marijuana. Bristol distributed it around Omaha, pursuant to Argyle's direction. Bristol said Argyle had asked Bristol if he wanted to ride to Colorado with him (on the trip resulting in the traffic stop in Deuel County). Argyle told him he was going to Colorado to get marijuana.

Claim for Relief

WHEREFORE, the Plaintiff, United States of America, prays that the Defendant property be proceeded against for forfeiture in accordance with the laws, regulations and rules of this Court; that due notice be given to all interested parties to appear and show cause why forfeiture should not be decreed; that the Defendant property be condemned, as forfeited, to the United States of America and disposed of according to law and regulations; that the costs of this action be assessed against the Defendant property; and for such other and further relief as this Court may deem just and equitable.

UNITED STATES OF AMERICA,
Plaintiff

DEBORAH R. GILG
United States Attorney

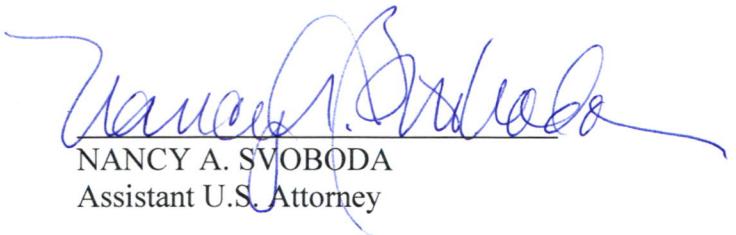
By: 

NANCY A. SVOBODA (#17429)
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VERIFICATION

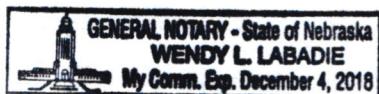
STATE OF NEBRASKA)
)
) ss.
COUNTY OF DOUGLAS)

Pursuant to Rule C(2), Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, Assistant United States Attorney for the District of Nebraska, Nancy A. Svoboda, being first duly sworn, deposes and states the facts set forth herein are true and correct according to the best of her knowledge and belief.


NANCY A. SVOBODA

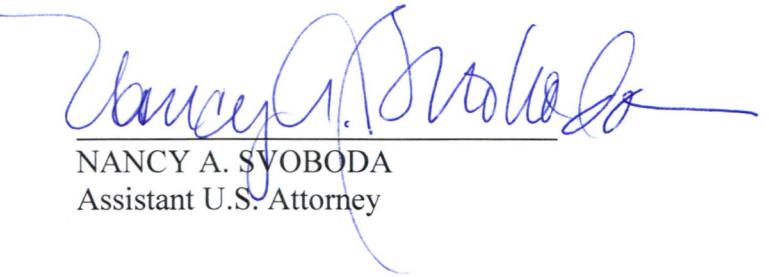
Assistant U.S. Attorney

Subscribed and sworn to before me this 20th day of March, 2015.




Notary Public

Pursuant to the rules of this Court, the United States of America hereby requests the trial of the above and foregoing action be held in Omaha, Nebraska, and be calendared accordingly.


NANCY A. SVOBODA

Assistant U.S. Attorney